

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JOHN H. WRIGHT,
Petitioner-Appellant.

v.

No. 99-6991

WARDEN, POWHATAN CORRECTIONAL
CENTER,
Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
James C. Cacheris, Senior District Judge.
(CA-99-926-AM)

Submitted: January 18, 2000

Decided: July 25, 2000

Before WIDENER and WILLIAMS, Circuit Judges,
and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

COUNSEL

John H. Wright, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

John Henry Wright, a Virginia prisoner, seeks to appeal the district court's order denying as successive his habeas corpus petition challenging his 1981 convictions for murder, malicious wounding, and use of a firearm in the commission of a felony. On appeal, Wright contends that the prior habeas corpus petition on which the district court relied was a challenge to a 1968 conviction, rather than to the 1981 conviction he now attacks. See Wright v. Murray, No. CA-93-1068-AM (E.D. Va. June 23, 1994), aff'd, No. 94-6841 (4th Cir. Oct. 27, 1994) (unpublished).

Even if we were to consider the prior petition as a challenge to Wright's 1968 conviction, dismissal of the present petition was proper, albeit for a different reason than that cited by the district court. Specifically, Wright's present petition was filed in July 1999, more than two years after the statutory limitations period expired for convictions that became final prior to the enactment of the Antiterrorism and Effective Death Penalty Act of 1996. See 28 U.S.C.A. § 2244(d) (West Supp. 1999); Brown v. Angelone, 150 F.3d 370, 374-76 (4th Cir. 1998). Accordingly, Wright's petition was untimely.

We deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not significantly aid the decisional process.

DISMISSED